

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

MAR 20 2007

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY BS DEPUTY

CARLA BUTLER,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,<sup>1</sup>

Defendant.

No. CIV-06-365-W

**ORDER**

On February 26, 2007, United States Magistrate Judge Shon T. Erwin issued his findings in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Carla Butler be reversed. Magistrate Judge Erwin further recommended that this matter be remanded for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Erwin's Findings and Recommendation, but neither party objected within the allotted time.

Upon de novo review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of this matter. Accordingly, the Court

- (1) ADOPTS the Findings and Recommendation issued on February 26, 2007;
- (2) REVERSES the Commissioner's decision denying Butler's Application for Supplemental Security Income;

---


<sup>1</sup>On February 12, 2007, Michael J. Astrue became Commissioner of the Social Security Administration. Pursuant to Rule 25(d)(1), F.R.Civ.P., he is hereby substituted for Jo Ann B. Barnhart as defendant in this action.

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further proceedings before an administrative law judge ("ALJ"); and

(4) DIRECTS the ALJ upon remand inter alia (a) to determine Butler's residual functional capacity, (b) to properly define Butler's work abilities and set forth the same in a consistent manner and (c) to proceed in accordance with Magistrate Judge Erwin's Findings and Recommendation; and

(5) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 20<sup>th</sup> day of March, 2007.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE